

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

John Junior Ard,

Plaintiff

v.

Casey Nelson, et al.,

Defendants

Case No.: 2:23-cv-01315-JAD-DJA

**Order Remanding Improperly Removed  
State-Court Case and Denying Pending  
Motions**

[ECF Nos. 6, 7, 9]

Pro se plaintiff John Junior Ard filed this case in Nevada's Eighth Judicial District Court for Clark County, Nevada, but then removed it to this court, purportedly based on federal-question jurisdiction.<sup>1</sup> But only a defendant can remove a case from state court to federal court because the federal statute that creates the removal right, 28 U.S.C. § 1443, allows only defendants in state-court actions to remove cases to federal court.<sup>2</sup> So I ordered Ard to show cause in writing why this case should not be remanded based on improper removal.<sup>3</sup> In his response to the show-cause order, Ard explains that this court would have original jurisdiction over this action, and the unfairness he's suffering in the state court presents exceptional circumstances that should allow him to remove this case. Unfortunately for Ard, the removal statutes do not contain an exceptional-circumstances exception that would allow him to remove his own case from state court where he filed it to federal court.

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<sup>1</sup> ECF No. 3.

<sup>2</sup> See *ASAP Copy & Print v. Canon Bus. Sols., Inc.*, 643 F. App'x 650, 652 (9th Cir. 2016) ("We affirm the district court's order remanding the plaintiffs' case back to state court. 28 U.S.C. § 1443, like other federal removal statutes, permits removal only by defendants in state court actions.").

<sup>3</sup> ECF No. 8.

1 Accordingly, as the plaintiff has not demonstrated a legal basis permitting him to remove  
2 this case from state court, IT IS ORDERED that this improperly removed case is **remanded**  
3 **back to state court, case number A-23-865954-C, and ALL PENDING MOTIONS [ECF**  
4 **Nos. 6, 7, 9] are DENIED** as moot. The Clerk of Court is directed to **CLOSE THIS CASE.**

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U.S. District Judge Jennifer A. Dorsey  
October 2, 2023  
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